

00/S

07-0332

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Privately-owned Property Claim
Appeal of [REDACTED]

1. This memorandum contains a recommendation submitted for your approval. Such recommendation is contained in paragraph 6.

2. On 15 November 1955, you approved the unanimous recommendations of the Headquarters Board of Survey to reimburse subject claimant in the amount of \$22.00 for loss of personal clothing, and to deny the major portion of the claim which concerns the loss of \$225.00 in funds [REDACTED], stolen from a suitcase within claimant's hotel room, during a riot which occurred [REDACTED] on 20 July 1955. The Board concluded that the claimant did not take necessary precaution in safeguarding his money.

3. The appeal of these findings presented by the claimant emphasizes that the suitcase was smashed open with considerable force after access was gained by chopping through the door of his locked [REDACTED] Hotel room. Further, claimant contends that other [REDACTED] residing in the hotel were reimbursed by [REDACTED] however, he was precluded by his station chief from presenting such a claim through [REDACTED]. Although the claimant took some precaution in spreading his money, the Board found no information in his appeal to establish Agency liability for a personal decision to secure funds in a hotel room. However, in an effort to investigate for any extenuating circumstances, the Board requested that the [REDACTED] Chief of Station verify any authority or standard practice for securing money in hotel rooms, whether currency, excluding other personal property, was reimbursed to other [REDACTED] and verify whether the station precluded a claim [REDACTED]. A reply was received by the Board on 6 January 1957, indicating that it was the claimant's personal decision - station safe was available. Other claims were generally scaled down, but the station could not recall or discover anyone who was paid for funds lost during the riot. Upon a station decision that a claim [REDACTED] would be unwise, the claimant was precluded submission of a claim through other than CIA channels. This evidence, and oral statements of the claimant, were considered by the Board in a meeting held on 17 January 1957, with the following results:

Appeal of Privately-owned Property Claim - [REDACTED]

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4. [REDACTED] permits reimbursement for "personal property damaged, lost, destroyed, captured or abandoned due to emergencies or other special circumstances directly related to service with CIA". In general, the bases for prior affirmative actions of the Board under this Regulation may be summarized as follows:

- a. The loss, etc., occurred while the property was in CIA custody, or due to the negligence of a CIA employee (other than the claimant) acting within the scope of his official duties;
- b. Recovery of the property (or reimbursement for loss, etc.) could be effected from a third person except for CIA security requirements;
- c. The loss, etc., occurred as a direct result of the performance of CIA duties.

5. Applying these guides in the instant case produces the following results:

- a. Not applicable (would have applied if that portion of claimant's funds held in CIA safekeeping had been lost);
- b. Permits recovery for loss of personal clothing, since available evidence shows claimant could have recovered for same through [REDACTED] channels except for CIA prohibition that he so claims, based on security considerations. Does not permit recovery for loss of currency since the available evidence does not show that similar claims for loss of currency were honored.

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c.(1) Claimant's position is that he would not have been in [REDACTED] except for CIA assignment. The Board cannot accept the contention that CIA is responsible for all loss, etc., occurring at a foreign post. If claimant's funds had been stolen independently of the riot, the absurdity of this contention would be apparent. Claimant's assignment was not related to the riot, nor was he singled out in any way by the rioters.

(2) In addition, the Board is entitled to consider the contributory negligence of a claimant in reaching its decision. Claimant was not authorized nor advised by CIA to keep a quantity of currency in his hotel room; this was a personal decision, and claimant had access to CIA safekeeping facilities [REDACTED]


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where he deposited part of his funds. He states that he retained substantial currency in case he required it for immediate evacuation; this course of action was not authorized by the Chief of Station; it was a personal decision. Claimant had access to the hotel safe. He states he did not use it for security reasons since some of the currency was illegal to possess in the area. Lacking specific CIA authority to possess illegal currency, claimant's possession of same was a personal decision. His decision that he could minimize discovery of such illegal possession by keeping the currency in his hotel room was a personal decision. Claimant's loss stemmed directly from this series of personal decisions. The Board concludes his conduct constituted negligence sufficient to bar recovery.

6. This is the third time the Board has considered this case. In the interim, the Board has obtained additional information from the field. The claimant was heard personally by the Board. For the foregoing reasons, the Headquarters Board of Survey unanimously affirms its previous decision, recommending reimbursement of \$22.00 for loss of clothing, and no reimbursement for loss of currency.


Chairman
Headquarters Board of Survey

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Attachment

CONCURRENCES:

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1-25-74
Date

1-28-74
Date

1-29-74
Date